

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

WEDNESDAY, THE 21ST NOVEMBER 2007 / 30TH KARTHIKA 1929

WP(C).No. 29186 of 2004(Y)

PETITIONER:

KARYANKAL PHILOMINA, D/O.K.C.CHERIYAN,
KALARIKKAL HOUSE, PERUMPUNNA P.O., PERAVOOR,
KANNUR DISTRICT.

BY ADV. SRI.V.DEVANANDA NARASIMHAM
SRI.CIBI THOMAS

RESPONDENTS:

1. THE INTELLIGENCE OFFICER,
COMMERCIAL TAXES, THALASSERY, KANNUR DISTRICT.
2. THE TAHSILDAR (R.R),
THALASSERY, KANNUR DISTRICT.
3. THE DISTRICT COLLECTOR, KANNUR.
4. K.T.JOSEPH,
KALARIKKAL HOUSE, PERUMPUNNA P.O., PERAVOOR,
KANNUR DISTRICT.

BY ADV. SHRI.PRADEEP, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 21/11/2007, ALONG WITH WPC NO. 10981 OF 2005 THE
COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

P1 : COPY OF THE SALE DEED DATED 18/01/1992 EXECUTED BY THE 4TH RESPONDENT IN FAVOUR OF THE PETITIONER.

P2 : COPY OF THE SALE DEED DATED 22/01/1992 EXECUTED BY THE 4TH RESPONDENT IN FAVOUR OF THE PETITIONER.

P3 : COPY OF THE POSSESSION CERTIFICATE DATED 07/08/2003 ISSUED TO THE PETITIONER BY THE VILLAGE OFFICER, MUZHAKKUNNU.

P4 : COPY OF THE PENALTY ORDER DATED 25/08/1992 PASSED BY THE 1ST RESPONDENT AGAINST 4TH RESPONDENT.

P5 : COPY OF THE PLAINT IN O.S.NO. 25/2004 PENDING BEFORE THE MUNSIFF'S COURT, KUTHUPARAMBA.

P6 : COPY OF I.A.NO. 313/2004 IN O.S.NO. 25/2004 PENDING BEFORE THE MUNSIFF'S COURT, KUTHUPARAMBA.

P7 : COPY OF THE COUNTER AFFIDAVIT FILED BY THE 2ND AND 3RD RESPONDENT IN I.A.NO. 313/2004 IN O.S.NO. 25/2004 OF MUNSIFF'S COURT, KUTHUPARAMBA.

P8 : COPY OF THE NOTICE DATED 17/08/2004 ISSUED by the 2ND RESPONDENT.

P9 : COPY OF THE NOTICE DATED 25/09/2004 ISSUED TO THE PETITIONER by the 2ND RESPONDENT.

ANNEXURE I : COPY OF THE ORDER DATED 11/10/2004 IN WP(C) No. 363/2004 OF THIS HONOURABLE COURT.

ANNEXURE II : COPY OF THE NOTICE OF SALE OF IMMOVABLE PROPERTY DATED 28/01/2005 OF THE 2ND RESPONDENT.

RESPONDENT'S EXHIBITS

R2(a) : COPY OF THE PETITION DATED 09/12/2004.

// TRUE COPY //

PA TO JUDGE.

C.N.RAMACHANDRAN NAIR, J.

W.P.(C) Nos.29186 of 2004 & 10981 of 2005

Dated, this the 21st day of November, 2007

J U D G M E N T

These two cases are filed by the wife of the defaulter challenging recovery proceedings initiated against her property. Recovery is initiated against property of the petitioner because defaulter transferred the property to his wife to escape from liability. In any case, there is no scope for deciding the issues on merits. Sale under challenge is already over. These writ petitions are, accordingly, closed leaving freedom to the petitioner to pursue any other case, filed against concluded sale.

(C.N.RAMACHANDRAN NAIR, JUDGE)